

ORDER DATED 11th OF JANUARY, 2012

B.C. Behera..... Applicant

V/s.

Union of India & Others Respondents

Coram:

HON'BLE MR. C.R. MOHAPATRA, ADMINISTRATIVE MEMBER

&

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER

Heard Sri N.R. Routray, Ld. Counsel appearing for the applicant and Sri S. K. Ojha, Ld. Standing Counsel appearing for the Respondents/Rlys. on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This Original Application has been filed by the applicant with the following prayer:-

"a) To grant 1st financial up gradation under ACP Scheme w.e.f. 01.10.1999 instead of 01.04.2000.
b) And 2nd financial up gradation under ACP Scheme w.e.f. July 2006 and pay the consequential financial benefits i.e., differential arrear, leave salary, DCRG, commuted value of pension and pension with 12% interest for the delayed period."

3. During the course of hearing it was brought to our notice that representation dated 18.01.2011 vide Annexure-A/6 to Respondent No.2 is pending for orders/decision. It is stated by Sri N.R. Routray, Ld. Counsel for the applicant that in a similar case pertaining to one Sri D.C. Prusty in pursuance of this Tribunal's order dated 15.11.2010 in O.A. No.51/2010 Respondent No.2 has already granted 1st and 2nd ACP to Sri Prusty. His contention is that the present case is similar to that of Sri Prusty. In view of this, he prays that the applicant's grievance shall be redressed if Respondent

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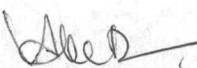
No.2 is directed to consider the pending representation in the light of the orders passed in respect of Sri D.C. Prusty vide Annexure-A/7 within a specific time frame.

4. Having regard to the submissions made and as agreed to by the Ld. Counsel for the parties, without going into the merit of the case, Respondent No.2 is hereby directed to consider and dispose of the pending representation vide Annexure-A/6 by taking into account the benefits granted to a similarly placed person one Sri D.C. Prusty vide Annexure-A/7 within a period of 60 days from the date of receipt of copy of this order. In case the Respondents find that the cases stand on similar footing and the applicant is otherwise entitled to the benefits, the same shall be released within three months thereafter.

5. With the above observation and direction, this O.A. is disposed of at the admission stage itself. No costs.

6. Send copies of this order along with paper books to Respondent Nos.2, 3 & 4 (at the cost of the applicant) for compliance and free copies of this order be made over to the Ld. Counsel for the parties.

7. Sri N.R. Routray, Ld. Counsel appearing for the applicant undertakes to deposit the postal requisites by tomorrow.


JUDL. MEMBER

K.B


ADMN. MEMBER